

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PROGRESSIVE NORTHERN	:	
INSURANCE COMPANY,	:	
Plaintiff	:	No. 02CV4026
	:	
v.	:	
	:	ASSIGNED TO HONORABLE JAMES
JUSTINE COLEMAN, JOSEPH H.	:	KNOLL GARDNER
COLEMAN, JR., and IVETTE PIZARRO,	:	
Defendants	:	NON-JURY TRIAL 8-18-03

TRIAL MEMORANDUM OF DEFENDANT, JUSTINE COLEMAN

A. EXHIBITS

- D-1. Progressive Northern Automobile Insurance policy issued to Justine Coleman (previously attached as Exhibit "B" to Plaintiff's Declaratory Action).
- D-2. Deposition testimony of Justine Coleman dated March 24, 2003.
- D-3. Transcription of recorded statement of Justine Coleman prepared by Progressive Representative John Pechar (previously marked as Exhibit "2" to the deposition transcript of Justine Coleman).
- D-4. Recorded interview of Justine Coleman dated June 26, 2000.
- D-5. Photograph of motor vehicle operated by Justine Coleman (previously marked as Exhibit "3" to deposition transcript of Justine Coleman).
- D-6. Photograph of the front bumper of vehicle operated by Justine Coleman (previously marked as Exhibit "4" to deposition transcript of Justine Coleman).
- D-7. Photograph of the front right quarter panel of the vehicle operated by Justine Coleman.

The Defendant, Justine Coleman, reserves the right to use those exhibits identified by Plaintiff in its trial memorandum.

B. EXPERT WITNESSES

The Defendant, Justine Coleman, has not retained expert witnesses for trial. The Defendant, Justine Coleman, reserves her right to call any expert witnesses identified by other parties in their trial memoranda.

C. CURRICULUM VITAE OF WITNESSES

None.

D. FACT WITNESSES EXPECTED TO BE CALLED AT TRIAL

1. Justine Coleman Morrison
P. O. Box 6852
Wyomissing, PA 19610

Mrs. Morrison will testify regarding circumstances surrounding the traffic accident. She previously testified in a deposition March 24, 2003. She will testify that the collision between the vehicle she was operating and that being operated by Joseph Coleman was unintentional and an accident, which occurred during Mrs. Morrison's lunch hour from the U.S. Postal Service where she was employed. She was on her way back to the Post Office at the time the accident occurred when she noticed the Coleman vehicle. During the course of making an effort to catch up with Mr. Coleman to discuss signing divorce papers, Mrs. Morrison suffered a panic attack. At no time did she intend to collide with the Coleman vehicle nor cause any harm to the occupants of that vehicle, Joseph Coleman and/or Ivette Pizarro.

2. Joseph Coleman
505 North 10th Street, Apt. #1111
Reading, PA 19602

Joseph Coleman previously testified in a deposition January 23, 2003. It is anticipated that he will testify to the facts surrounding the motor vehicle accident.

3. Ivette Pizarro
300 Lackawanna Street, Apt. #1U
Reading, PA 19603

Ms. Pizarro testified in a deposition January 20, 2003. It is expected that she will testify to the facts surrounding the motor vehicle accident.

The Defendant, Justine Coleman Morrison, reserves the right to call any other fact witnesses identified by other parties set forth in their pretrial memoranda.

E. STATEMENT OF RELIEF SOUGHT

The Defendant, Justine Coleman Morrison, seeks a declaratory judgment from the court that the Plaintiff, Progressive Northern Insurance Company, has a duty to defend and indemnify her for any of the personal injury claims arising out of the traffic accident which occurred May 19, 2000 in which the Co-Defendants, Joseph H. Coleman, Jr. and Ivette Pizarro, allegedly sustained injuries.

F. STATEMENT OF LEGAL ISSUES

The court has been requested by Plaintiff to interpret an insurance contract. The Defendant, Justine Coleman Morrison, incorporates her Memorandum of Law of Defendant, Justine Coleman, on the Meaning and Significance of "Intentional" and "Intentional Act" as Those Terms Relate to the Actions of Defendant, Justine Coleman, which was filed with the court May 13, 2003.

The Defendant, Justine Coleman Morrison, maintains that the traffic accident that occurred was the result of unintentional conduct; therefore, she is entitled to a defense and indemnification from the Plaintiff in the underlying third-party claim now pending against her in the Court of Common Pleas of Berks County, Pennsylvania.

G. NAMES AND ADDRESSES OF ALL PARTIES AT THE TIME THE CAUSE OF ACTION AROSE AND PRESENTLY

Cause of Action

Presently

Joseph Coleman
132 North 3rd Street, Apt. B-Rear
Reading, PA 19602

505 North 10th Street, Apt. #1111
Reading, PA 19602

Ivette Pizarro
300 Lackawanna Street, Apt. #1U
Reading, PA 19603

300 Lackawanna Street, Apt. #1U
Reading, PA 19603

Justine Coleman Morrison
1052 North 11th Street
Reading, PA 19604

P. O. Box 6852
Wyomissing, PA 19610

Progressive Northern Insurance
5053 Ritter Road, Suite 101
Mechanicsburg, PA 17055

5053 Ritter Road, Suite 101
Mechanicsburg, PA 17055

H. TRIAL COUNSEL

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Counsel for Justine Coleman Morrison

I. MATTERS OF IMPORTANCE FOR THE EFFICIENT TRIAL OF THE CASE

As of the time undersigned counsel is submitting this Trial Memorandum to the court, the Law Offices of Jesse L. Pleet, P.C. is unable to confirm whether Justine Coleman Morrison is

planning to attend trial. Attorney Pleet, pursuant to the Order issued July 16, 2003 instructing Attorney Pleet to continue representing the interest of Justine Coleman Morrison, has notified Mrs. Morrison that trial is scheduled to occur on Monday, August 18, 2003, at 9:30 a.m. in Courtroom 7A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, as set forth in the Non-Jury Trial Attachment Order issued May 29, 2003.

LAW OFFICES OF JESSE L. PLEET, P.C.

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